

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chow et al.  
Customer No.: 51957  
Group Art Unit: 1614  
Serial No.: 10/039,827;

Filed: October 19, 2001

For: METHODS AND COMPOSITIONS  
FOR MODULATING ALPHA  
ADRENERGIC RECEPTOR ACTIVITY

Examiner: Fay, Z.

Conf. No. 9534

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of Patent No. 6,313,172. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in

the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent of record.

Respectfully submitted,

Date: September 13, 2006

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X PTO suggested wording for terminal disclaimer was unchanged.

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